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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/282,320	03/31/1999	JACQUELYN ANNETTE MARTINO	PHA23.646	8425

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS
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EXAMINER

ENG, GEORGE

ART UNIT PAPER NUMBER

2643

DATE MAILED: 04/07/2004

29

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/282,320

Applicant(s)

MARTINO ET AL.

Examiner

George Eng

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 March 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

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DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 3/18/2004 (paper no. 28) has been entered.

Response to Amendment

2. This Office action is in response to amendment filed 3/18/2004 (paper no. 26).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out

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the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1-2, 4, 6-7, 9-11, 13-15 and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kamaya et al. (US PAT. 5,537,175 hereinafter Kamaya) in view of Baumgarten (US PAT. 5,940,229).

Regarding claim 1, Kamaya discloses an image framing system comprising a camera (2) having a lens (5) for producing a camera image, and a mirror (40) for producing a mirror image, the mirror having a reflection surface that is substantially greater than the lens surface (figure 19), wherein the mirror is coupled to the camera such that a field of view of the mirror substantially corresponds to a field of view of the camera and the mirror image is representative of the camera image so as facilitate framing an object image (i.e., a camera user) in the camera image (col. 6 lines 1-60 and col. 9 lines 11-67). Kamaya differs from the claimed invention in not specifically teaching the mirror movably arranged at an angle to the camera and a two-way transparent center area in the mirror to permit the camera to capture the camera image. However, Baumgarten discloses an image generating device (4, figure 5) for quickly and easily inspecting users' own appearance including a framing mirror (24, figure 5) in front of a camera (70, figure 5) so that the mirror is movably arranged at an angle to the camera (col. 3 lines 29-51), wherein the mirror comprises a two-way transparent center area, i.e., a hole (80, figure 5) located at the center area of the mirror (40, figure 5), to permit the camera to capture image, thereby increasing the clarity of the video signal (col. 6 lines 1-14). Therefore, it would have been obvious to a

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person of ordinary skill in the art at the time the invention was made to modify Kamaya in having the mirror moveably arranged at the angle to the camera and having the two-way transparent center area to permit the camera to capture image, as per teaching of Baumgarten, in order to make user friendly so that users can quickly and easily inspect their own appearance during an operation, as well as increasing the clarity of the video signal captured by the camera.

Regarding claim 2, Kamaya discloses the optical axis CO of the lens 5 of the video camera (1B) and the optical axis CB of the mirror (22) are commonly aligned (col. 6 lines 31-35) so that a field of reflection of the mirror substantially corresponds to a first field of view of at least a portion of the camera image (col. 6 lines 39-43).

Regarding claim 4, Kamaya discloses the mirror (22) has a front surface that is substantially reflective and a rear surface and the camera (1B) is located behind the rear surface (figure 7 and col. 6 lines 39-48). Note Baumgarten teaches the mirror having a two-way transparent center area, i.e., a hole (80, figure 5) such that the front surface of the mirror (40, figure 5) is substantially reflective except for the hole. Thus, the claimed limitations are read by the combination of Kamaya and Baumgarten.

Regarding claim 6, Kamaya teaches a controllable device (i.e., a stepping motor) for controlling a field of reflection that is associated with the mirror (col. 7 lines 45-51 and col. 10 lines 19-56).

Regarding claim 7, Kamaya teaches a certain degree of outside ambient light (i.e., a light source that emits light) reflected by a half mirror (10) while the remaining light passes into the lens (5) to be recorded as an image such that the lens provides the image in dependence upon the light (col. 4 lines 51-56). Note while Kamaya also teaches the lens (5) is formed as the half

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mirror (10) (col. 4 lines 38-39). Thus, the mirror provides the mirror image in dependence upon the light as well as the lens.

Regarding claim 9, Kamaya teaches the image framing system including at least one of an appliance, i.e., a playback device (figure 8 and col. 6 lines 46-48).

Regarding claim 10, Kamaya teaches that the camera image is communicated to a remote location for subsequent viewing (col. 12 lines 43-49).

Regarding claim 11, Kamaya discloses a system comprising an image framing system that includes a camera (1') having a lens (5') for producing a camera image in communicate with a remote site, a mirror (10') for producing a mirror image that is representative of the camera image to facilitate framing an object image in the camera image, the mirror having a reflection surface that is substantially greater than the lens surface (figure 31) and a display system (80) that displays a second image received from the remote site (figure 32 and col. 12 lines 41-51), wherein a field of view of the mirror substantially corresponds to a field of view of the camera (figure 1). Kamaya differs from the claimed invention in not specifically teaching the mirror, having a two-way transparent area to permit the camera lens to capture the camera image, attached to an exterior of the camera and movably arranged at an angle to the camera. However, Baumgarten discloses an image generating device (4, figure 5) for quickly and easily inspecting users' own appearance including a framing mirror (24, figure 5) attached to an exterior of the camera (70, figure 5) so that the mirror is movably arranged at an angle to the camera (col. 3 lines 29-51), wherein the mirror comprises a two-way transparent center area, i.e., a hole (80, figure 5) located at the center area of the mirror (40, figure 5), to permit the camera to capture image, thereby increasing the clarity of the video signal (col. 6 lines 1-14). Therefore, it would

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have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Kamaya in having the mirror attached to the exterior of the camera and moveably arranged at the angle to the camera and having the two-way transparent center area to permit the camera to capture image, as per teaching of Baumgarten, in order to make user friendly so that users can quickly and easily inspect their own appearance during an operation, as well as increasing the clarity of the video signal captured by the camera.

Regarding claim 13, Kamaya teaches a lens (5') being covered by the mirror (10') so that the mirror image is representative of the camera image so as facilitate framing an object image (i.e., a camera user) in the camera image (col. 12 lines 47-49).

Regarding claim 14, Kamaya teaches a user image would be transmitted to a corresponding monitor at the other person's side (col. 12 lines 43-46) so that the system obviously comprises a transmitter in order to communicate the camera image to the remote site.

Regarding claim 15, Kamaya discloses an image transmission system comprising a camera (2) having a lens (5) for producing a camera image, and a mirror (40) having a field of view of the mirror substantially corresponds to a field of view of the camera and the mirror being operably coupled to the camera for producing a mirror image that corresponds substantially to the camera image (col. 6 lines 1-60 and col. 9 lines 11-67), the mirror having a reflection surface that is substantially greater than the lens surface (figure 19). Note while Kamaya also teaches the camera image would be transmitted to a corresponding monitor at the other person's side (col. 12 lines 43-46). Thus, the system obviously comprises a transmitter for transmitting the camera image to a remote location. Kamaya differs from the claimed invention in not specifically teaching the mirror having a two-way transparent center area to permit the camera lens to capture

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the camera image movably arranged at an angle to the camera. However, Baumgarten discloses an image generating device (4, figure 5) for quickly and easily inspecting users' own appearance including a framing mirror (24, figure 5) having a two-way transparent center area, i.e., a hole (80, figure 5) located at the center area of the mirror (40, figure 5), to permit the camera to capture image (col. 6 lines 1-14), wherein the mirror is movably arranged at an angle to the camera (col. 3 lines 29-51). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Kamaya in having the mirror including the two-way transparent center area to permit the camera to capture the camera image movably arranged at an angle to the camera, as per teaching of Baumgarten, in order to make user friendly so that users can quickly and easily inspect their own appearance during an operation, as well as increasing the clarity of the video signal captured by the camera.

Regarding claim 18, Kamaya discloses a method of framing an image of an object within a camera image comprising the steps of having a mirror for providing a field of view of the mirror substantially corresponds to a field of view of the camera and so as to provide a mirror image that is representative of the camera image (col. 6 lines 23-35), and frame the image of object in the camera image (col. 6 lines 36-41). In addition, Kamaya teaches the mirror acts as a viewfinder for viewing an object to be recorded (col. 5 lines 23-26) and a taping operation will be started only when an operator is satisfied with his or her image (i.e., an object) in a field of view during self-photography (abstract and col. 5 lines 8-11). Although Kamaya does not specifically teaches to adjust a position of the object in dependence upon the mirror image, it is old and notoriously well known in the photography art of using a viewfinder to give a feedback to a camera operator for keeping a targeted person in view of camera so that a target object can

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modify his or her position, or modify the camera orientation in order to make the camera field of view including the target object. Note while Kamaya teaches to use the half mirror acting as the viewfinder to view a capture scene (col. 5 lines 6-8 and lines 20-34). Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to adjust the position of the object in dependence upon the mirror image (i.e., viewfinder image) because it assures a desired image is included within the field of view of the camera. Kamaya differs from the claimed invention in not specifically teaching to align the mirror having a two-way transparent center area and attached to an external surface of the camera. However, Baumgarten discloses an image generating device (4, figure 5) for quickly and easily inspecting users' own appearance including a framing mirror (24, figure 5) attached to an exterior of the camera (70, figure 5) so that the mirror is movably arranged at an angle to the camera (col. 3 lines 29-51), wherein the mirror comprises a two-way transparent center area, i.e., a hole (80, figure 5) located at the center area of the mirror (40, figure 5), to permit the camera to capture image, thereby increasing the clarity of the video signal (col. 6 lines 1-14). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Kamaya in having the mirror having the two-way transparent center area and attached to the exterior of the camera and moveably arranged at the angle to the camera, as per teaching of Baumgarten, in order to make user friendly so that users can quickly and easily inspect their own appearance during an operation, as well as increasing the clarity of the video signal captured by the camera.

Regarding claim 19, Kamaya teaches that the dimensions of the frame defined in the mirror (54) as shown in figure 21 are established to a scale corresponding to the size of image

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actually recorded (col. 10 lines 46-61). Thus, a field of reflection of the mirror is adjusted in dependence upon a field of view associated with the camera image.

Regarding claim 20, Kamaya discloses the step of transmitting the camera image to a remote location (col. 12 lines 42-49).

5. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kamaya et al. (US PAT. 5,537,175 hereinafter Kamaya) in view of Baumgarten (US PAT. 5,940,229) as applied in claim 1 above, and further in view of Braun (US PAT. 5,532,737).

Regarding claim 3, Kamaya clearly discloses a camera (1B) having a first field of view and the mirror (22) having a field of reflection that substantially corresponds to the first field of view of at least a portion of the camera image (figures 6-8 and col. 6 lines 39-43). The combination of Kamaya and Baumgarten differs from the claimed invention in not specifically teaching the image framing system further including a second camera that has a second field of view that in conjunction with the first field of view forms a stereo field of view, wherein the field of reflection also substantially corresponds to the second field of view and the stereo field of view in at least a portion of the camera image. However, Braun teaches a camera arrangement comprising a second camera (104) has a second field of view (105) that in conjunction with a first field of view (103) forms a stereo field of view (110) so that the field of reflection of a mirror (130) substantially corresponds to the second field of view and the stereo field of view in at least a portion of the camera image (col. 4 lines 31 through col. 5 line 6). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the combination of Kamaya and Baumgarten in further including the second camera and

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providing the field of reflection substantially corresponds to the second field of view and the stereo field of view in at least a portion of the camera image, as per teaching of Braun, because it enhances the image framing system to form an aggregate wide angle field of view that does not exhibit a seam or other artifact at the boundary between the sub-images produced by the individual cameras.

6. Claims 5 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kamaya et al. (US PAT. 5,537,175 hereinafter Kamaya) in view of Baumgarten (US PAT. 5,940,229) as applied in claims above, and further in view of Kakii (US PAT. 6,137,526, filed July 24, 1998).

Regarding claims 5 and 12, Kamaya discloses the image framing system comprising an output device (80) having a display area for displaying a second image (figure 32 and col. 12 lines 41-51) and a video camera (1') including a lens (5') being covered with a half mirror (10') for capturing a user image for transmitting to a remote site. The combination of Kamaya and Baumgarten differs from the claimed invention in not specifically teaching the video camera including the lens and the mirror is located within the display area. However, Kakii teaches a two-way interactive system for matching the line of sight of interlocutors in order to enhance communication through a transmission means when the interlocutors are located in remote areas by located a camera (5) within the display area (8) as shown in figure 2 (col. 13 lines 45-65). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the combination of Kamaya and Baumgarten in locating the camera including the lens and the mirror within the display area, as per teaching of Kakii, because it enhances communication by matching the line of sight of interlocutors.

7. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kamaya et al. (US PAT. 5,537,175 hereinafter Kamaya) in view of Baumgarten (US PAT. 5,940,229) as applied in claim 1 above, and further in view of Kawashima et al. (US PAT. 6,079,862, filed June 18, 1997, hereinafter Kawashima).

Regarding claim 8, the combination of Kamaya and Baumgarten differs from the claimed invention in not specifically teaching the image framing system further including a recognition device coupled to the camera for providing an enable signal in dependence upon the camera image and a processing system coupled to the recognition device for providing an output independence upon the enable signal. However, Kawashima teaches an automatic tracking system comprising an image recognition unit (5) and a coordinate calculation unit (6), read as a recognition device, coupled to a camera, (4) for providing a quantity of movement (i.e., an enable signal) in dependence upon a targeted camera image, and a movable control unit (7) read as a processing system, coupled to the recognition device for providing driving signals (i.e., an output) for driving the direction of a spotlight (1) in dependence upon the enable signal, so that the lighting direction of the spotlight coincide with the targeted camera image to be lighted (col. 9 line 53 through col. 10 line 21). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the combination of Kamaya and Baumgarten in having the image framing system further including the recognition device and the processing system, as per teaching by Kawashima, because it improves workability to provide automatic tracking lighting system in dependence upon the targeted camera image captured by the camera so that the system is capable of automatically moving the lighting position into the

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targeted lighting position by operating the camera in coupled with the recognition device and the processing system, thereby the need for an operator to be located in the vicinity of the lighting position is not required.

8. Claims 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kamaya et al. (US PAT. 5,537,175 hereinafter Kamaya) in view of Baumgarten (US PAT. 5,940,229) as applied in claim 15 above, and further in view of Parulski et al. (US PAT. 5,943,603, filed April 24, 1997, hereinafter Parulski).

Regarding claims 16-17, Kamaya teaches the camera image would be transmitted to a corresponding monitor at the other person's side (col. 12 lines 43-46) such that the system inherently comprises a transmitter for transmitting the camera image to a remote location. The combination of Kamaya and Baumgarten differs from the claimed invention in not specifically teaching the image transmission system further comprising a telephone and the transmitter for transmitting the camera image via a wireless system. However, Parulski teaches that a cellular telephone is provided with the components of an image camera to form a combined telephone/camera unit for transmitting the camera image via a wireless system (figures 7-11 and col. 4 line 29 through col.5 line 7). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the combination of Kamaya and Baumgarten in combining the camera with the cellular telephone for transmitting the camera image via the wireless system, as per teaching of Parulski, because it improves the capability of the image transmission system so that it allows image to be quickly and easily transmitted from remote field locations to receiver units.

Response to Arguments

9. Applicant's arguments filed 3/18/2004 (paper no. 26) have been fully considered but they are not persuasive.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the mirror has a two-way transparency) are clearly taught by Baumgarten. As shown in figure 5, Baumgarten clearly discloses the mirror (40) having a hole (80) read as a two-way transparent center area, that would not visible in the mirror image of an object, and a camera (70) is operable to shoot directly through the hole to the user, thereby increasing the clarity of the video signal capture by the camera (col. 6 lines 1-14). Thus, the combination of Kayama and Baumgarten teaches a transparent area, i.e., two-way transparency, allowing the camera lens to pick up a truer version of the image without any coating interfering with the image. As a result, the combination of Kayama and Baumgarten is enough to reject the claimed limitations.

Conclusion

10. This is a continuation of applicant's earlier Application No. 09/282,320. All claims are drawn to the same invention claimed in the earlier application and could have been finally

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rejected on the grounds and art of record in the next Office action if they had been entered in the earlier application. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action in this case. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no, however, event will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

11. Any response to this final action should be mailed to:

BOX AF

Commissioner of Patents and Trademarks

Washington D.C. 20231

Or faxed to:

(703) 872-9314 (for Technology Center 2600 only)

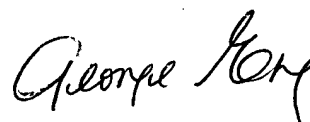
Hand delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, V.A., Sixth Floor (Receptionist).

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12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to George Eng whose telephone number is 703-308-9555. The examiner can normally be reached on Tuesday to Friday from 7:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis A. Kuntz, can be reached on (703) 305-4870. The fax phone number for the organization where this application or proceeding is assigned is 703-308-6306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0377.



George Eng
Primary Examiner
Art Unit 2643